

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

180

Complete if Known

Application Number	10/654,330
Filing Date	September 3, 2003
First Named Inventor	Warren F. Rogers et al.
Examiner Name	Demetrius R. Pretlow
Art Unit	2863
Attorney Docket No.	W0009/7000P5

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order☒ Deposit Account:Deposit
Account
Number

50-1721

Deposit
Account
Name

Kirkpatrick & Lockhart LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims		-20 **	=	0	X		= 0
Independent Claims		-3 **	=	0	X		= 0
Multiple Dependent					X		= 0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 180)

SUBMITTED BY

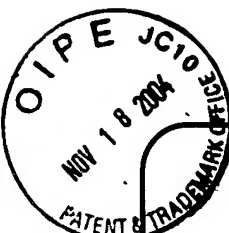
Complete (if applicable)

Name (Print/Type)	Robert P. Smith	Registration No. (Attorney/Agent)	48,680	Telephone	617-261-3100
Signature	<i>Robert P. Smith</i>	Date	Nov. 16, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/654,330
	Filing Date	September 3, 2003
	First Named Inventor	Warren F. Rogers et al.
	Art Unit	2863
	Examiner Name	Demetrius R. Pretlow
Total Number of Pages in This Submission	Attorney Docket Number	W0009/7000P5

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 16 references postcard	
<table border="1"><tr><td>Remarks</td></tr></table>			Remarks
Remarks			

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Robert P. Smith
Signature	<i>Robert P. Smith</i>
Date	Nov. 16, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Robert P. Smith		
Signature	<i>Robert P. Smith</i>	Date	Nov. 16, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



ATTORNEY DOCKET NO: W0009/7000P5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Warren F. Rogers et al.
Serial No.: 10/654,330
Filed: September 3, 2003
Title: METHOD AND APPARATUS FOR MONITORING OPERATIONAL
PERFORMANCE OF FLUID STORAGE SYSTEMS
Art Unit: 2863
Examiner: Demetrius R. Pretlow

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING	
I hereby certify under 37 CFR §1.10 that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Commissioner for Patents, P.O. 1450, Alexandria, VA 22313-1450.	
Date of Deposit	<u>Nov. 16, 2004</u>
Signature	<u><i>Robert P. Smith</i></u>
Typed or Printed Name of Person Signing Certificate	

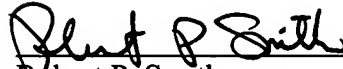
INFORMATION DISCLOSURE STATEMENT

This information disclosure statement has been filed after the mailing date of the first office action, but before the mailing date of either a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in the application. Applicants have not provided copies of the cited U.S. patents and patent publications in accordance with the Office's waiver of the requirement under 37 CFR 1.98(a)(2)(i) for all U.S. national patent applications filed after June 30, 2003. The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.

Please apply any charges or credits to Deposit Account No. 50-1721.

Respectfully submitted,

Date: Nov. 16, 2004


Robert P. Smith
Reg. No. 48,680

Kirkpatrick & Lockhart LLP
75 State Street
Boston, MA 02109
Tel: (617) 261-3100



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete If Known	
				Application Number	10/654,330
				Filing Date	September 3, 2003
				First Named Inventor	Warren F. Rogers, et al.
				Art Unit	2863
				Examiner Name	Demetrius R. Pretlow
Sheet	1	of	4	Attorney Docket Number	W0009/7000P5

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
	AA	3,579,218	05-18-1971	Forsythe, Jr.	
	AB	3,811,598	05-21-1974	Schwarz	
	AC	4,290,305	09-22-1981	Gibson et al.	
	AD	4,410,949	10-18-1983	Huellinghorst et al.	
	AE	4,796,676	01-10-1989	Hendershot et al.	
	AF	4,827,762	05-09-1989	Hasselmann	
	AG	4,835,699	05-30-1989	Mallard	
	AE	4,915,507	04-10-1990	Janotta	
	AF	4,977,528	12-11-1990	Norris	
	AG	5,047,101	09-10-1991	Trussler	
	AH	5,052,212	10-01-1991	Cohrs	
	AI	5,138,559	08-11-1992	Kuehl et al.	
	AJ	5,184,504	02-09-1993	Spring	
	AK	5,265,032	11-23-1993	Patel	
	AL	5,288,367	02-22-1994	Angell et al.	
	AM	5,297,423	03-29-1994	Keating et al.	
	AN	5,316,057	05-31-1994	Hasselmann	
	AO	5,317,899	06-07-1994	Hutchinson et al.	
	AP	5,351,725	10-04-1994	Suthergreen et al.	
	AQ	5,359,522	10-25-1994	Ryan	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10,654,330
				Filing Date	September 3, 2003
				First Named Inventor	Warren F. Rogers, et al.
				Art Unit	2863
Examiner Name	Demetrius R. Pretlow				
Sheet	2	of	4	Attorney Docket Number	W0009/7000P5

Examiner Initials*	Cite No. ¹	Document Number Number - Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AR	5,361,216	11-01-1994	Warn et al.	
	AS	5,363,093	11-08-1994	Williams et al.	
	AT	5,371,495	12-06-1994	Sturges et al.	
	AU	5,375,455	12-27-1994	Maresca, Jr. et al.	
	AV	5,400,253	03-21-1995	O'Connor	
	AW	5,400,924	03-28-1995	Brodie	
	AX	5,402,427	03-28-1995	Parker	
	AY	5,423,457	06-13-1995	Nicholas et al.	
	AZ	5,447,055	09-05-1995	Thompson et al.	
	BA	5,471,867	12-05-1995	Tuma et al.	
	BB	5,490,516	02-13-1996	Hutson	
	BC	5,528,516	06-18-1996	Yemini et al.	
	BD	5,530,439	06-25-1996	Steele et al.	
	BE	5,544,518	08-13-1996	Hart et al.	
	BF	5,665,895	09-09-1997	Hart et al.	
	BG	5,686,658	11-11-1997	Boren	
	BH	5,757,664	05-26-1998	Rogers et al.	
	BI	5,857,501	01-12-1999	Kelerich et al.	
	BJ	5,988,439	11-23-1999	Webb	
	BK	6,101,816	08-15-2000	Wang et al.	
	BL	6,401,045	06-04-2002	Rogers et al.	
	BM	20020049549	04-25-2002	Rogers et al	

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known		
				Application Number	10/654,330	
				Filing Date	September 3, 2003	
				First Named Inventor	Warren F. Rogers, et al.	
				Art Unit	2863	
				Examiner Name	Demetrius R. Pretlow	
Sheet	3	of	4	Attorney Docket Number		W0009/7000P5

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
	BN	UK 2,138,947A	10-31-1984			
	BO	FR 2 600 318	12-24-1987			
	BP	UK 2,124,390	02-15-1984			
	BQ	WO 97/46855	12-11-1997			
	BR	EP 0310298	04-05-1989			
	BS	WO 01/04586 A1	01-18-2001	Warren Rogers Assoc.		
	BT	WO 97/46855 A1	12-11-1997	Warren Rogers Assoc.		
	BU	WO 02/079731 A1	10-10-2002	Warren Rogers Assoc.		
	BV	EP App. No. 009 45280.6-1260 Examination Report dated June 24, 2003		Warren Rogers Assoc.		
	BW	EP App. No. 00 945280.6-1260 Supplementary European Search Report dated August 8 2002		Warren Rogers Assoc.		
	BX	PCT Written Opinion, PCT/US02/10096, dated March 18, 2004		Warren Rogers Assoc.		

Examiner Signature		Date Considered	
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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/654,330
				Filing Date	September 3, 2003
				First Named Inventor	Warren F. Rogers et al.
				Art Unit	2863
				Examiner Name	Demetrius R. Pretlow
Sheet	4	of	4	Attorney Docket Number	W0009/7000P5

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	BY	EPA Pub. No. 510-K-95-003, "Straight Talk on Tanks: Leak Detection Methods for Petroleum Underground Storage Tanks and Piping" (July 1995)	
	BZ	William E Boyce and Richard C. DiPrima, "Elementary Differential Equations and Boundary Value Problems" Rensselaer Polytechnic Institute (Third Edition)	
	CA	W.F. Rogers, "Volumetric Leak Detection-A Systems Perspective", ASTM STP 1161 (1992)	
	CB	Ken Wilcox Assoc., Inc., "Evaluation of the W.R. Associates SIRA Statistical Inventory Reconciliation System (Version 5.2)" Final Report, Feb. 17, 1995, 19 pages.	
	CC	EPA Pub. No. 510-B-95-009, "Introduction to Statistical Inventory Reconciliation," (Sept. 1995).	

Examiner Signature		Date Considered	
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